IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 24TH OCTOBER 2007 / 2ND KARTHIKA 1929

Bail Appl..No. 6489 of 2007

(CRIME NO. 468/2007 OF MAVELIKKARA POLICE STATION)

PETITIONERS/ACCUSED NOS. 2 AND 3

1. SOMIINI THANKACHAN,AGED 60 YEARS,
KOCHUPARAMBIL ABEY VILLAGE, NERA TOWER HOUSE,
MAVALIKKARA VILLAGE, ALAPPUZHA DISTRICT.

2. SUJA, VILAYIL HOUSE, NEAR GEMS HOSPITAL
MAVALIKKARA VILLAGE,ALAPPUZHA DISTRICT.

BY ADV. SRI.K.B.ARUNKUMAR

RESPONDENTS: STATE

1. STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR,HIGH COURT OF KERALA
ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE
MAVELIKKARA POLICE STATION, MAVELIKKARA.

BY BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.6489 of 2007

Dated this the 24th day of October 2007

O R D E R

Application for anticipatory bail. The petitioners are the mother-in-law and sister-in-law of the de facto complainant. They are accused 2 and 3. The husband of the de facto complainant is the first accused. The marriage took place on 14/1/2002. The couple are not blessed with any children. The crime is being investigated for the offence under Section 498A I.P.C only. The crime has been registered on the basis of the private complaint filed by the learned Magistrate and referred by the learned Magistrate to the police under Section 156(3) Cr.P.C. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that the petitioners can be granted anticipatory bail subject to appropriate terms and conditions. In the absence of opposition by the learned Public Prosecutor, it is not necessary to advert to facts in greater detail. I take note of the fact that the victim has suffered no injuries.

3. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioners.

i) Petitioners shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 31/10/2007. They shall be released

on regular bail on condition that they execute bonds for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 1 p.m on 01/11/2007 and 02/11/2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of one month. Subsequently the petitioners shall so appear as and when directed by the investigating officer in writing to do so.

(iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(iv) If they were arrested prior to 31/10/2007, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 31/10/2007.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007